

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: February 13, 2014

Agenda Item: Unlocking State Lands Program Administrative Rules

Division: Wildlife

Action Needed: Final Action

Time Needed on Agenda for this Presentation: 15 minutes

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Background

The 2013 Legislature passed HB 444, establishing a program in which a private landowner who provides public access to a parcel of state land through a contractual agreement with FWP can receive a \$500 tax credit for each qualified access to state land, with a limit of \$2,000 per year. The law requires the commission to adopt administrative rules for establishing contracts that address: a) duration of access; b) types of qualified access; and c) reasonable landowner-imposed restrictions. The law became effective Jan. 1, 2014, applies to tax years beginning after Dec. 31, 2013, and terminates Dec. 31, 2018. FWP intends to commence the administrative process of developing contracts with landowners upon adoption of final ARM.

Public Involvement Process & Results

Public comments were solicited from Nov. 14 – Dec. 27, 2013. FWP received comments from 33 people. Of those people commenting, 21 voiced support, six non-support, two posed questions unrelated to the proposed ARM, and four offered comments not pertinent to the proposed ARM. Two changes were made to the draft ARM based on public comment. Routes restricted to foot travel only were changed from no more than .5 mile (draft) to no more than one linear mile from beginning to end (final). Temporary closures can be in effect no more than seven days without FWP approval and must be removed within 24 hours after the natural environmental conditions, which may have triggered the closure, no longer exist.

Alternatives and Analysis

To carry out the new legislation, FWP must have a method by which lawful contracts can be negotiated with landowners to allow public access to state lands through this program. The proposed rules provide a means for complying with HB 444 to implement the Unlocking State Lands Program.

Agency Recommendation & Rationale

FWP recommends the final rule be adopted, based upon the support voiced during public comment.

Proposed Motion

I move the commission adopt the Unlocking State Lands Program tax credit administrative rules as presented.